

Notice of Allowability

Application No.

09/546,971

Examiner

Jorge L. Ortiz-Criado

Applicant(s)

SPRUIT ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/12/2005.
2. ☒ The allowed claim(s) is/are 1-17 and 23-31, renumbered as 1-4, 6-11, 5 and 12-26 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 32-41 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 32-41 are drawn to a method and apparatus for recording a record carrier.

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Originally presented invention claims 1-17, and 23-31 drawn to Method/Apparatus for recording units at addressable locations, classified in class.
 - II. Newly submitted claims 32-41, to a method and apparatus for recording a record carrier for avoids mimicking a given pattern present in the synchronization pattern.

The inventions are distinct, each from the other because:

Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such recording at least one modulated information unit such that the last word of the information unit is replaced at least in part with a linking portion, which linking portion lies entirely within the information unit and has a particular physical format that, when combined with other "recordations", avoids mimicking a

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given pattern present in the synchronization patterns, so that at least a second information unit can be immediately adjacent to the information unit, without the necessity of a separate linking section before the second information unit. as avoids mimicking a given pattern present in the synchronization pattern, . See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael E. Belk on 11/23/2005, which concludes with the following agreements.

2. The application has been amended as follows:

In the claims: Claims **18-22** and **32-41** are canceled, as being directed to a non-elected invention, since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation.

Allowable Subject Matter

3. Claims 1-17 and 23-31 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's arguments see pages 23-24, filed 09/12/2005, have been fully considered and are persuasive.

The prior art made of record (Nagara et al. in view of Tanaka et al.) teach a recording information in units on a record carrier having a track for consecutively recording the information units at addressable locations, the information being represented in the track by series of marks of different runlengths between a minimum runlength and a maximum runlength and synchronizing patterns of marks which patterns do not occur in the series of marks, encoding at least one information unit into a modulated signal comprising signal elements corresponding to said marks, scanning said track up to a link position before a selected one of said addressable locations, and recording the modulated signal from the link position,

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But the prior art does not teach or fairly suggest alone or in combination with the other elements of the claim encoding at least on information unit into a modulated signal, and the modulated signal is provided at the begin and/or at the end with a link signal element corresponding to a link mark of at most the minimum runlength.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

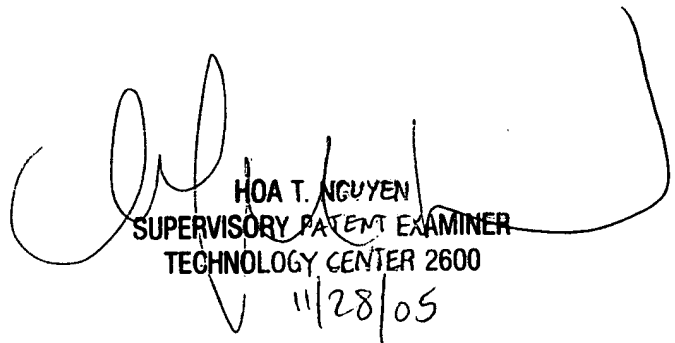
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/28/05